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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,921	07/05/2001	Kevin S. Walters	11331-004	1796

7590

04/03/2003

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EXAMINER

HARTMANN, GARY S

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 04/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/897,921

Applicant(s)

WALTERS, KEVIN S.

Examiner

Gary Hartmann

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al. (Transportation Engineering Planning and Design, 1989) in view of the road system of Interstates 10, 12, 55 and the causeway bridge across Lake Pontchartrain, Louisiana. As discussed in the prior Office actions, Wright et al. discuss methods of roadway design. The roadway system in Louisiana includes a first point (intersection of Interstate 12 and causeway bridge, for example); a second point (intersection of Interstate 10 and causeway bridge); an area including water and suitable for supporting a road (Lake Pontchartrain); a further road (causeway bridge) linking the two points. There is also one existing road (combination of Interstates 12, 55, and 10 around Lake Pontchartrain, for example). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the methods discussed by Wright et al. to obtain the system of roadways in Louisiana in order to obtain an efficient plan for design and implementation.

Regarding claim 2, note that the road including the causeway intersects several existing roads between Interstate 12 and Interstate 10.

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Claim 3 has not been given further patentable weight because there are numerous areas that can be considered parallel to tracts of land.

Regarding claim 5, the causeway is generally parallel to the western shore of the lake.

Regarding claim 6, the causeway is a bridge.

3. Claims 1-3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the road system of Interstates 10, 12, 55 and the causeway bridge across Lake Pontchartrain, Louisiana in view of Wright et al. (Transportation Engineering Planning and Design, 1989). The road system is discussed above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the methods discussed by Wright et al. to obtain the system of roadways in Louisiana in order to obtain an efficient plan for design and implementation.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the road system of Interstates 10, 12, 55 and the causeway bridge across Lake Pontchartrain, Louisiana/Wright et al. (Transportation Engineering Planning and Design, 1989) as applied above, and further in view of Haakonsen (U.S. Patent 5,216,773). Haakonsen teaches a method of installing a floating road. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used this method in order to obtain another bridge, thereby increasing roadway capacity across Lake Pontchartrain.

Response to Arguments

5. Applicant's arguments filed 3/18/3 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Hartmann whose telephone number is 703-305-4549. The examiner can normally be reached on Monday through Friday, 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 703-308-3870. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, appearing to read 'Gary Hartmann', with a stylized flourish extending to the right.

**Gary Hartmann
Primary Examiner
Art Unit 3671**

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March 28, 2003